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Comparison of House and Senate Border Security Legislation

HOUSE BILL

H.R. 4437

Border Protection, Antiterrorism, and Illegal
Immigration Control Act
Passed the House on December 16, 2005

SENATE BILL

S. 2611

Comprehensive Immigration Reform Act
Passed the Senate on May 25, 2006

Key provisions in the House bill:

- Does not contain an amnesty provision
- Does not contain a guest worker program
- Makes illegal entry and presence a felony (will be changed to misdemeanor)
- Authorizes 10,000 new Border Patrol agents over 5 years
- Authorizes 8,000 new detention beds to hold illegal immigrants
- Reaffirms the authority of state and local law enforcement to assist in enforcing immigration laws
- Requires all employers to determine whether or not employees are legally eligible to work in the U.S.
- Increases fines, to \$40,000 for each offense, on employers who hire illegal immigrants and fail to check their names on a federal database
- Includes a section I authored that provides \$100 million for sheriffs along the southern border to hire, train, and equip deputies and build detention beds
- Authorizes construction of 698 miles of new fence on the southern border
- Increases reimbursement to states for incarcerating illegal immigrants
- Ends the Border Patrol "catch and release"
- Eliminates the visa lottery program that has allowed suspected terrorists to enter the U.S. legally
- Deports illegal immigrants on the first drunk driving conviction
- Requires DHS and DoD to submit a plan to use military surveillance equipment on the border

Key problems with the Senate bill:

- Grants amnesty to all 12 million illegal immigrants in the U.S.
- Authorizes a guest worker program for illegal immigrants who are granted amnesty
- Puts guest workers on a pathway to citizenship
- Allows spouses and children of guest workers to become citizens
- Allows guest workers to collect welfare
- Allows guest workers to collect Social Security for time worked in the U.S. while here illegally
- Exempts illegal immigrants applying for amnesty from paying back taxes
- Does not require aliens in guest worker program to return home.
- Only authorizes 2,000 new Border Patrol agents
- Does not increase detention capacity
- Allows a waiver for federal contractors who hire illegal aliens
- Allows for waivers to exempt employers from mandatory verification
- Limits the ability of state and local law enforcement to arrest illegal aliens for civil offenses
- Requires consultation with Mexico before building a new fence on the border
- Guarantees wages to guest workers that are higher than wages paid to American workers on the same site